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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO. 84 OF 2002

Sun Plastochem Ltd. ...Petitioner.

Vs.

Nav Prakash Exports Ltd. ...Respondents.

Ms.Divya Sanghavi for the petitioner.

CORAM : ANOOP V. MOHTA,J.

DATED : 24th August, 2007

P.C.

1. The petitioner has invoke Section 433 and 434 of the companies Act-1956. As respondent company though served the statutory notice, failed to make the payment of amount payable and due to the extent of Rs.54,698/-. The Amount as claimed, therefore, remained uncontroverted.

2. On 14/06/2002 as the respondent company though served, not appeared before the court. The Court has directed the respondent company to deposit the said amount, however, the respondent company failed to deposit the amount and therefore, the petition still is pending. The petitioners accordingly advertised and completed the formalities. The affidavit dated

15th January, 2003 of advertisement is also part of the record. The matter is called out for hearing. None appeared for the respondent company. The averments, therefore, remained uncontroverted even after the contents of the petitioner.

3. The petition is within the limitation, therefore, the court has no objection but to grant prayer clauses (a) and (b). However, as a last chance and considering the facts and circumstances of the case, further three months time is granted to the respondent company to pay the amount and settle the matter, failing which the order of winding up the company in terms of prayer clause (a) will take effect. The petition, is therefore, disposed of accordingly.

(ANOOP V. MOHTA,J.)